



Notice of Allowability

Application No.	Applicant(s)
10/048,106	DRON, BERNARD
Examiner	Art Unit
Gregory J. Strimbu	3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS**. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendments of 11/22/04 and 12/9/04 and the tele. int. of 2/16/05.
2. The allowed claim(s) is/are 9-14 and 18.
3. The drawings filed on 11/22/04 + 6/11/02 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/22/02
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 2/16/05
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leopold Presser on February 16, 2005.

The application has been amended as follows:

In the title:

changed the title to --FLUID INFLATABLE WEATHER SEAL FOR A VEHICLE--

In the abstract:

changed line 1 to --A seal with a first profiled section, a second profiled--

line 2, changed "wherein is housed" to --housed inside--

line 3, changed "whether or not adjacent to the second profile (5) and" to --the third profiled section--

line 4, deleted "whereto it is adjacent"

line 6, changed "said" to --the--

line 7, deleted "wherein it is housed,"

In the claims:

claim 9,

line 1, changed "the" to --a--

line 3, changed "seatable" to --adapted to seat--

line 4, changed "engaging" to --engage--

line 5, deleted "selectively"

line 6, changed "the" to --an-- and deleted "a base or"

line 7, inserted --fluidly-- following "piece"

line 8, changed "and" to --of said second section piece with--

line 10, deleted the comma and deleted "so as to sealingly contact"

line 11, deleted "the surround"

line 12, inserted --about-- following "to"

line 14, deleted "for"

line 17, changed "responsive to" to --in response to said--

line 18, deleted "a conforming pressure-transmitting"

line 20, deleted "during the vehicle traveling at a"

line 21, deleted "high rate of speed"

claim 10,

line 2, inserted --adapted to be-- following "is"

line 3, deleted "during . . . of said vehicle"

claim 13,

line 2, inserted --piece-- following "section"

claim 14,

line 3, deleted "of travel"

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach an automotive seal comprising a first section piece forming a clip of U-shaped cross section, a second section piece consisting of an elastically deformable flexible material, said second section piece abutting the outside of a branch of said first section piece and forming a tubular member, at least one orifice in said second section piece fluidly communicating the inside of the second section piece with the outside of said second section piece, and a third section piece consisting of an elastically deformable flexible material having a hardness of between about 30 to about 35 Shore A being housed within the confines of said second section piece (5), said third section piece forming a sealed tubular member connected to a source supplying a non-compressible liquid under a variably controllable pressure to said sealed tubular member of air-tight and liquid-tight construction and which is expansively deformable in response to the pressure generated by said fluid liquid for coming into surface contact with an interior

wall surface of said second section piece so as to enhance the sealing and soundproofing properties of the seal. See claim 9, lines 2-20. Although references such as Yasukawa et al. teach a seal having a second section piece being expandable by a compressible fluid, references such as Glossop et al. teach a seal having a Shore A hardness of between about 30 to about 35, references such as Dettloff teach a seal having an orifice, and references such as Gerrard teach a seal expandable by a pressurized non-compressible fluid, one with ordinary skill in the art would not be motivated to combine the teachings of such references without the benefit of the applicant's disclosure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
February 16, 2005